

JOURNAL OF THE HOUSE.

Thursday, April 28, 2005

[being a continuation of the legislative session of Monday, April 25, 2005.].

and at that time, the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Thursday, April 28, 2005 (at 11:00 o'clock A.M.).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator and Judge, as we address the purpose, goals, spirit and specific items in this year's state budget and our legislative choices, we recognize this reality: we are all members of the one human family, Your family. We depend upon the goodwill of each other, neighbors and citizens, as we strive to make our diverse communities safe for individuals and families, prosperous and open to all. Teach us to be aware of the needs of all in our districts from the youngest child to the most senior adult and to utilize wisely our great human and material resources. As we exercise our constitutional freedoms and responsibilities while respecting the freedoms and the equal intent of all, guide us in formulating public policy and in selecting our best legislative options. May we be faithful to You, Your ways and guidelines in our search for peace of mind and successful living.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Petersen of Marblehead.

A statement of Mr. Petersen of Marblehead was spread upon the records of the House, as follows:

Mr. SPEAKER: I would like to call to the attention of the House the fact that I was present in the House Chamber at yesterday's sitting and voted in the affirmative on roll call number 46. However, I now find that, for some inexplicable reason, I was not recorded. Representative Petersen of Marblehead.

Guests of the House.

During the session, Mr. Rush of Boston took the Chair, declared a brief recess and introduced the 2005 Division I State Hockey Champion Catholic Memorial High School Boys hockey team, accompanied by their coach, Bill Hanson. Mr. Sullivan of Fall River then took the Chair and

read the names of the members of the team, including his son, Brendan Sullivan, who was voted MVP by the team members. Also included on the team is Michael Diorio, grandson of former Representative Michael Nazzaro of Boston. They were the guests of Representatives Rush and Sullivan.

Mr. Petrolati of Ludlow then took the Chair, declared a brief recess and introduced Laurel Labdon, Ms. Wheelchair Massachusetts, 2005. Ms. Labdon, who will be competing in the Ms. Wheelchair America Pageant in Albany, New York, on July 19th, will travel throughout the Commonwealth speaking on behalf of all Americans with disabilities. She was the guest of Representatives Turner of Dennis and Gomes of Harwich.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Hargraves of Groton) congratulating the town of Groton on the three hundred and fiftieth anniversary of its founding;

Resolutions (filed by Mr. Mariano of Quincy and other members of the House) on the occasion of the retirement of Thomas Chirillo;

Resolutions (filed by Mr. Miceli of Wilmington) congratulating Kimberly Haley named Billerica Lodge of Elks #7021 Senior of the Year 2005;

Resolutions (filed by Mr. Nyman of Hanover) honoring the South Shore Charter Public School on the occasion of its tenth anniversary;

Resolutions (filed by Mrs. Owens-Hicks of Boston and other members of the House) congratulating Reverend Michael E. Haynes;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Gregory Andrews of Norfolk upon his elevation to the rank of Eagle Scout;

Resolutions (filed by Mr. Ross of Wrentham) congratulating Will Small of Norfolk upon his elevation to the rank of Eagle Scout;

Resolutions (filed by Mr. Ross of Wrentham) congratulating William P. Stillman, III of Norfolk upon his elevation to the rank of Eagle Scout;

Resolutions (filed by Mr. Speliotis of Danvers) honoring the achievements of the Danvers High School Falcon Marching Band;

Resolutions (filed by Mr. Stanley of Waltham) congratulating Stephen Lee Gross on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Walrath of Stow) congratulating Katherine O'Kane on receiving the Gold Award of the Girl Scouts of America; and

Resolutions (filed by Mrs. Walrath of Stow) congratulating Kelly O'Kane on receiving the Gold Award of the Girl Scouts of America;

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Seth Lewis Bailin on receiving the Eagle Award of the Boy Scouts of America; and

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Frank Brady Scardino on receiving the Eagle Award of the Boy Scouts of America;

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Peisch, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Engrossed Bills.

Engrossed bills

Relative to the collection of certain taxes in the town of Sandwich (see Senate, No. 2026) (which originated in the Senate); and

Relative to the payment of costs for systems of sewerage and sewage disposal in the town of Shrewsbury (see House, No. 2795) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

At half past eleven o'clock A.M. (Thursday, April 28), on motion of Mr. Jones of North Reading (Mr. Petrolati of Ludlow being in the Chair), the House recessed until twelve o'clock noon; and at eighteen minutes after twelve o'clock the House was called to order with Mrs. Harkins of Needham in the Chair.

Quorum.

Mr. Jones of North Reading thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance. No. 47.

[See Yea and Nay No. 47 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill validating the actions taken at an annual town meeting and special town meeting of the town of Rockland (printed in House, No. 999), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Nyman of Hanover; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for

interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House moved that the bill be amended in section 2, in item 7070-0065, in line 82, by inserting after the word “opportunity;” the following: “; provided that not less than \$800,000 shall be directed to One Family Inc. for the purpose of administering and sponsoring a scholarship program for the higher education of heads-of-household for homeless families with children under the age of 18, or who are at-risk of homelessness as determined by the federal poverty level, or who have experienced homelessness within the previous 12 months; provided further that said funds shall be expended for scholarships and assistance with living expenses at accredited institutions of higher learning in the Commonwealth of Massachusetts; provided further that each scholarship shall be matched dollar-for-dollar by One Family Inc.; provided further that the scholarship recipients shall be monitored and tracked for their progress and that the results shall be reported to the Commonwealth on a bi-annual basis through the Board of Higher Education”;

In said item, in line 84, by inserting after the word “public” the words “or independent”;

In said item by striking out the figures “82,373,454” and inserting in place thereof the figures “83,173,454”;

In item 7077-0023 by striking out the figures “3,304,000” and inserting in place thereof the figures “3,554,000”;

By inserting after item 7077-0023 the following item:

“7080-0100 For the board of higher education to distribute the segment parity portion of the higher education funding formula to achieve state support parity in all community and state colleges, provided that this distribution will reflect the formula as submitted to the house committee on ways and means on March 4, 2005, and provided further, that said distribution will take place not later than 30 days after the effective date in this act

1,069,267”;

By striking out item 7100-0200 and inserting in place thereof the following item:

“7100-0200 For the operation of the University of Massachusetts; provided, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations adopted by the board, to provide essential functions which are integral to the educational mission of the university; provided further, that not less than \$500,000 shall be expended for the operation of the Center for Portuguese Studies at the University of Massachusetts at Dartmouth; provided that not more than \$368,000 shall be expended for the Mauricio Gaston Institute at UMASS Boston for Latino Community Development and Public Policy; provided further, that the sum expended for the University of Massachusetts at Amherst Cranberry Experiment Station at Wareham in fiscal year 2006 shall not be reduced from fiscal year 2005 levels, except in proportion to adjustments consistent with the university budget adjustments; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the University of Massachusetts at Amherst Cranberry Experiment Station Board of Oversight; provided further, that the sum expended for the UMass Extension in fiscal year 2006 shall be adjusted only in direct proportion to university budget adjustments

to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed by the UMass Extension Board of Public Overseers; provided further, that not less than \$250,000 shall be expended for labor studies programs at the Amherst, Boston, Dartmouth and Lowell campuses; provided further, that any increases in funding allocated to the flagship campus at Amherst in fiscal year 2006 compared to fiscal year 2005 shall be expended on the "250 initiative" for additional faculty positions at the Amherst campus; provided further, that not less than \$50,000 shall be expended for the UMASS Dartmouth Center For Business Research; provided further, that not less than \$50,000 shall be expended for the 4-H program; and provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance

400,535,034";

By striking out item 7100-0350 and inserting in place thereof the following item:

- "7100-0350 For an assessment at the toxic use reduction institute on the feasibility of adopting chemical and/or technological alternatives for the following toxic or hazardous substances: lead, formaldehyde, perchloroethylene, hexavalent chromium, and di-(2-ethylhexyl)phthalate (DEHP); provided, that said assessment shall, for each named toxic or hazardous substance, identify: (1) significant uses of the toxic substance in the Commonwealth in manufacturing, consumer products and any other applications, (2) potential human health and environmental impacts, (3) any and all alternative chemicals and/or technologies, both proven and emergent, and an analysis of their potential to serve as substitutes for one or more of the toxic or hazardous substances list above, which shall include a assessment of: (a) specific applications of any alternative chemical and/or technology, (b) potential impacts on the environment, human health, workers, employment level and economic competitiveness of the Commonwealth from adopting and implementing any alternative chemical and/or technology as substitutes, (c) the economic opportunities or feasibility of adopting and implementing any alternative chemical and/or technology as a substitute including, but not limited to, consideration of the potential effects on capital, operating and production unit costs, and product price, to result from said substitution; and provided further, that the Institute shall report its findings to the joint committee on environment, natural resources and agriculture by July 1, 2006

250,000";

In item 7112-0100 by inserting at the end thereof the following: "; provided, that not less than \$160,000 shall be expended for the regional economic research center; and provided further, that \$130,000 shall be expended for the operation of the commonwealth's global education center";

By inserting after item 7113-0100 the following item:

- "7113-0105 For the Massachusetts College of Liberal Arts for capacity building at the Massachusetts College of Liberal Arts in conjunction with a pilot wireless learning initiative in conjunction with the Massachusetts Technology Collaborative; provided, that not less than \$100,000 shall be expended for the assessment and evaluation

of the higher education resources available to residents of
Berkshire County

350,000”;

By inserting after item 7511-0100 the following item:

“7511-0101 For the establishment and administration of the public policy institute
and resource center at North Shore Community College 250,000”;

In item 7518-0100 by adding at the end thereof the following: “; provided further that not less than \$100,000 shall be expended for the Life Focus Center in the Charlestown section in the city of Boston”;

In item 7515-0100 by striking out the figures “9,126,204” and inserting in place thereof the figures “9,236,468”;

In item 7515-0120 by striking out the figures “810,000” and inserting in place thereof the figures “946,000”; and

In section 23 by inserting after the paragraph contained in lines 1 to 12, inclusive the following paragraph:

“Notwithstanding any general or special law to the contrary, the board of higher education is hereby authorized and directed to establish a two year pilot program for out of state tuition retention at the Massachusetts College of Liberal Arts; provided further, that said regulations shall ensure that no resident of Massachusetts is denied admission to the Massachusetts College of Liberal Arts as a result of said tuition retention project. The board shall issue a report on the progress of said initiative no later than February 1, 2006 and 2007 to the house and senate chairs of the joint committee on education, arts and humanities, and the chairs of the house and senate ways and means committees. Said report shall include the number of out of state students attending said college, the amount of tuition retained under said program, and the programs or initiatives funded with said retained revenue.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Murphy of Lowell; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 48 in Supplement.]

Therefore the amendments were adopted.

Subsequently a statement of Mr. Festa of Melrose was spread upon the records of the House, as follows:

MADAM SPEAKER: During the taking of the above yeas and nays, I was absent from the House Chamber on official business in another part of the State House. Had I been present when the vote was taken, I would have voted in the affirmative.

Mr. Evangelidis then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

At five minutes before one o'clock P.M. (Thursday, April 28), on motion of Mr. Tobin of Quincy (Mrs. Harkins of Needham being in the Chair), the House recessed until two o'clock; and at that time the House was called to order with Mrs. Harkins in the Chair.

The House thereupon took a further recess, on motion of Mr. Kafka of Stoughton, until a quarter before three o'clock P.M.; and at three minutes after three o'clock the House was called to order with Mrs. Harkins in the Chair.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 152 members were recorded as being in attendance. No. 49.

[See Yea and Nay No. 49 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Evangelidis of Holden was spread upon the records of the House, as follows:

MADAM SPEAKER: During the taking of the above quorum roll call, I was absent from the House Chamber on official business in another part of the State House; and I was not notified that a quorum call was in progress.

Mr. Evangelidis then moved that the statement made by him be spread upon the records of the House; and the motion prevailed.

At eight minutes after three o'clock P.M. (Thursday, April 28), on motion of Mr. Donato of Medford (Mrs. Harkins of Needham being in the Chair), the House recessed until half past three o'clock; and at five minutes before four o'clock House was called to order with Mrs. Harkins in the Chair.

The House thereupon took a further recess, on motion of Ms. St. Fleur of Boston, until a quarter after four o'clock P.M.; and at a quarter before five o'clock the House was called to order with Mrs. Harkins in the Chair.

Mr. Timilty of Milton and other members of the House then moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 42. Notwithstanding the provisions of any general or special law to the contrary, Section 90C $\frac{3}{4}$ of Chapter 32 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking the title and inserting in place thereof the following:—

Increasing allowance of former state and metropolitan district police officers retired after at least twenty years of service.

SECTION 43. Section 90C $\frac{3}{4}$ of Chapter 32 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking the text contained therein and inserting in place thereof the following:—

Section 90C $\frac{3}{4}$. A former state or metropolitan district police officer, retired prior to July 1, 1992, who has been retired under any provision of this chapter or similar provision or earlier law on account of superannuation after having served in the state or metropolitan district police force for a period of not less than 20 years shall have his retirement allowance increased to an amount not exceeding one-half the rate of regular compensation payable to state police officers holding similar positions, at the time of increasing such allowance, in the comparable grade or classification occupied by such former officer at the time of his retirement.”.

The amendment was rejected.

Mr. Timilty of Milton then moved that the bill be amended in section 2, in item 7061-0012, by adding at the end thereof the following: “Section 72, of Chapter 44 of the General Laws is hereby amended by inserting the following: “provided that one half of all Federal funds for reimbursable medical services, pursuant to this chapter, received by the Town of Milton shall be deposited in a separate account for expenditure by the school committee for educational purposes.”; and the amendment was rejected.

Mr. Hill of Ipswich and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 42. Subsection b of section 5A of Chapter 71 B of the general laws as appearing in the 2002 official edition by adding after the words ‘meanings’ the following:—

“In-district programs,’ shall consist of special education services provided in a facility used by any school district to educate children with disabilities and children without disabilities pursuant to chapter 71 or a separate facility wholly operated by a school district exclusively for students who reside in that district with significant and severe disabilities whose needs cannot be met in a less restrictive setting and who otherwise would be served in private special education day or residential schools; provided, however, that such separate facilities shall be approved by the department of education before being designated as ‘in district programs’ for the purpose of this section.’

‘Out of district programs’, shall consist of special education services provided in a facility used exclusively for the purpose of this chapter.’

And further moves to amend the bill in subsection of section 5A of Chapter 71B of the general laws as appearing in the 2002 official edition by adding after the words ‘foundation budget’ the following:- ‘for the cost of out of district programs and the costs of programs shall be reimbursed at 75 per cent of all the approved costs that exceed 3 times the state average per pupil foundation budget for the cost of in-district programs’.”.

Pending the question on adoption of the amendment, Mrs. Haddad of Somerset moved that it be amended by adding at the end thereof the following sentence: “Notwithstanding any general or special law to the contrary, the provisions of this section shall not take effect until such time as the joint committee on education has furnished a study of their impact on the state’s economy and the revenue cost to the commonwealth to the house and senate committees on ways and means and approved by an act of the General Court, but said report shall be filed no later than March 1, 2006.”.

The further amendment was adopted. The amendment, as amended, then also was adopted.

Mr. DeLeo of Winthrop then moved that the bill be amended in section 2, in item 7000-9101 by striking out the figures “925,863” and inserting in place thereof the figures “985,720”;

In item 7000-9401 by striking out the figures “14,980,361” and inserting in place thereof the figures “15,230,361”;

In item 7000-9501 by striking out the figures “8,539,844” and inserting in place thereof the figures “9,039,844”;

In item 7000-9506 by striking out the figures “691,881” and inserting in place thereof the figures “841,881”;

By striking out item 7010-0005 and inserting in place thereof the following item:

“7010-0005 For the operation of the department of education; provided, that the department, in collaboration with the Governor’s Commission on Gay and Lesbian Youth, shall allocate not less than \$75,000 for programming to ensure public schools’ compliance with the Board of Education’s recommendations for the support and safety of gay and lesbian students and the implementation of related suicide-prevention and violence-prevention efforts; provided further, that the department shall report to the legislature on the feasibility of incorporating a median income component into the current Chapter 70 school funding formula; provided further, that said report shall be provided to the house and senate chairs of the joint committee on education, the chairs of the house and senate committees on ways and means, and the secretary of administration and finance, no later than September 15, 2005; provided further, that funds from this item shall be expended for the salary of a deputy commissioner who shall serve as a chief operating officer for the department, and shall have responsibility for overseeing all

operational details of the department, in order to ensure that all offices and divisions within said department operate according to a common strategic vision and coordinated planning process, and that all actions, public statements and decisions of deputy commissioners, assistant commissioners, and staff are consistent with said vision, and reflect board of education policy, the goals and intent of the General Court, and all applicable statutory mandates and requirements of the General Laws; provided further, that not later than November 15, 2005, the department shall submit to the secretary of administration and finance, the chairs of the house and senate ways and means committees, and the house and senate chairs of the joint committee on education a report on the current organization of the department, with an operational flow chart detailing responsibilities and duties of each deputy commissioner, associate commissioner, or other person with supervisory responsibility in the department; provided further, that said report shall detail the means by which the department shall coordinate planning and operations functions, and describe the strategic vision of the department, along with a detailed implementation plan for realizing that vision

9,597,805”;

In item 7010-0012 by striking out the figures “15,615,313” and inserting in place thereof the figures “17,615,313”;

By striking out item 7010-0030 and inserting in the place thereof the following item:

“7010-0030 For fiscal year 2006 reimbursements to certain cities, towns and regional school districts of the per pupil capital needs component included in the charter tuition amount for commonwealth charter schools, calculated pursuant to subsection (nn) of section 89 of chapter 71 of the General Laws; provided, that if the funding in this item is not sufficient to fully fund districts for the cost of said per pupil capital needs component of the charter school tuition formula, the department shall proportionately reduce the amount charged to sending districts associated with said per pupil capital needs component; provided further, that funds may be expended from this item to provide one time “hold harmless” grants to charter schools to ensure that no charter school receives less funding in tuition payments in fiscal year 2006 than it received in fiscal year 2005; provided further, that no funds shall be expended on said “hold harmless” grants until the per pupil capital needs component required by subsection (nn) has been fully funded; provided further, that no funds shall be expended on said “hold harmless” grants where the reduction in tuition is the result of charter school restructuring required by the board of education as a condition of charter renewal; and provided further, that, should additional funds be insufficient to fully fund the “hold harmless” grants, so-called, said grants may be pro-rated by the department to all eligible charter schools

14,776,000”;

By striking out item 7027-0016 and inserting in place thereof the following item:

“7027-0016 For matching grants for various school-to-work programs; provided, that the board of education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and

held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education shall make available a payment of \$734,400 for the state's matching grant for the CS-squared program at the Corporation for Business, Work and Learning; provided further, that the department of education shall make available a payment of \$942,191 to Jobs for Bay State Graduates, Inc., for the purpose of school-to-work activities; and provided further, that the department of education shall make available a payment of \$42,975 to the Blue Hills regional vocation school for the School to Careers Partnership to fund a teacher externship program and a student internship program

1,719,566”;

By striking out item 7027-0019 and inserting in place thereof the following item:

“7027-0019 For school-to-career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of education, in cooperation with the department of workforce development and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job; provided further, that \$250,000 shall be expended for a pilot program that targets at-risk youth, Amer-I-Can, so called, and provided further, that of this \$250,000, funds may be expended for the administration of this program in Springfield

4,629,687”;

By striking out item 7030-1003 (previously inserted by amendment), and inserting in place thereof the following item:

“7030-1003 For the John Silber early literacy program to promote research based school-wide literacy education and to promote literacy among children in grades K through 3 in the commonwealth; provided, that the office of reading and language arts shall administer said early literacy grant programs to improve the quality and effectiveness of literacy education in the commonwealth to the greatest extent possible; provided further, that not less than \$60,000 be expended for the Lawrence Learning Center and Community Development in the City of Lawrence; provided further, that not less than \$100,000 shall be expended for

improvements to promote general literacy and literacy for disabled persons in the town of Braintree; provided further, that not less than \$100,000 be expended for the TU-LEAP Program of Boston for after-school academic and literacy achievement programs provided further, that these early literacy education programs shall be based on a scientifically-based reading research program consistent with the federal Reading First Initiative; provided further, that \$385,000 shall be expended for JFY.net, a Jobs for Youth initiative for high technology, literacy and job skill instruction to youth and adults through advanced software and existing infrastructure capacity in schools and community agencies; provided further, that such program shall supplement currently funded local, state and federal programs at the school or district; and provided further, that any grant funds distributed from this item shall be deposited with the treasurer of such city, town or regional school district and held in a separate account and shall be expended by the school committee of such city, town or regional school district, without further appropriation, notwithstanding the provisions of any general or special law to the contrary

3,722,989”;

By striking out item 7030-1005, and inserting in place thereof the following item:

“7030-1005 For early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade; provided, that such programs shall be research-based with proven long-term results, including identifying students in need of additional help not later than mid-first grade, providing ongoing training and support to program teachers, and including ongoing documentation and evaluation of results; provided further, that not less than \$300,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers in one-to-one early intervention tutorial literacy programs; and provided further, that said programs provide ongoing documentation and evaluation of results

2,700,000”;

In item 7035-0006 by striking out the figures “38,000,000” and inserting in place thereof the figures “42,500,000”;

In item 7051-0015, in line 1, by striking out the words "the administration of the emergency food assistance program" and inserting in place thereof the words "operating funds to distribute food for the Massachusetts emergency food assistance program";

In item 7061-0012, in line 16, by striking out the figures “525,000” and inserting in place thereof the figures “575,000”;

In said item, in line 23, by inserting after the word “students” the following: “; provided further, that of this \$575,000 not less than \$25,000 shall be expended for a pilot program for Recording for the Blind and Dyslexic to provide the 10th grade math and English learning arts MCAS tests in audio digital format for the fall and spring of the 2005-2006 school year; provided further, that \$300,000 shall be expended for the costs of four incentive, start-up grants to educational collaboratives to provide partial funding for a full time transportation coordinator, administrative support and for the purchase of specialized transportation route planning software for the purposes of implementing a pilot program to demonstrate that transportation of students to out-of-district special education placements can be accomplished at a lower cost and with improved quality of service by delegating the planning and contracting for such transportation to

education collaboratives which would be responsible for the transportation of students to all out-of-districts programs located within the pilot program collaborative catchment area";

In item 7061-9404, in line 71, by inserting after the word "clubs" the following: "; provided further, that not less than \$60,000 be expended to Casa Dominicana in Lawrence; provided further, that not less than \$1,000,000 shall be transferred to JFYNetWorks, formerly Jobs for Youth, for a matching grant for the purposes of enhancing student performance on the Massachusetts Comprehensive Assessment system examination through instructional computer software; provided further that not less than \$60,000 shall be expended for Centro Latino de Chelsea to provide adult basic education services in the city of Chelsea; provided further, that not less than \$25,000 shall be expended for School Link Services at the Pettengill House to provide advocacy counseling, referrals, emergency assistance and prevention education programs to the children and families of both Triton Regional and Amesbury Public Schools";

In item 7061-9612 by striking out the figures "1,199,231" and inserting in place thereof the figures "1,274,231";

In item 7061-9621 by striking out the figures "250,000" and inserting in place thereof the figures "500,000";

In item 7061-9626 by striking out the figures "1,200,000" and inserting in place thereof the figures "1,450,000";

By inserting after item 9700-0000 the following item:

"9700-0100 For a special commission on after school and out of school time; provided, that funds shall be expended from this item for consultants, facilitators, research assistance, and the purchase of needed services for said commission; provided further, that said working group on after school and out-of-school time shall undertake a study and make recommendations on how to better coordinate, expand, finance, and improve accessible, affordable, quality out-of-school time programming for school age children in all settings provided further, that said working group shall consist of: one member appointed by the Speaker of the House of Representatives, one member appointed by the Senate President, the chairs of the house and senate committees on ways and means or their designees, the house and senate chairs of the joint committee on education or their designees, the house and senate chairs of the joint committee on children and families or their designees, the commissioner of the department of early education and care, the commissioner of the department of education, the commissioner of the department of public health, one member chosen by each of the following organizations: Massachusetts 2020, the United Way of Massachusetts Bay, the Massachusetts Association of School Committees, the Massachusetts Association of School Superintendents, the Massachusetts Association of Elementary School Principals, the Massachusetts Association of Regional Schools, the Massachusetts Teachers Association, the Massachusetts Federation of Teachers, the Massachusetts Parent-Teacher Association, the Massachusetts Association of Day Care Agencies, the Massachusetts Independent Child Care Organization, the Massachusetts School-Age Coalition, the Massachusetts Community Action Program, the Massachusetts Child Care Resource and Referral Agencies Network, the YMCAs of Massachusetts, Parents Alliance for Catholic Education, Parents United for Child Care, or its successor organization, one person chosen by the co-chairs who shall be a representative of family

child care, one member who shall be chosen by the co-chairs who shall be a representative of non-public schools, and no fewer than 6 representatives selected by the Massachusetts Afterschool Partnership, with consideration of the broad constituency of out of school time, including providers, educators, parents of school-age children, advocates for school-age children's services, business, community and religious leaders, representatives of higher education, law enforcement officials, philanthropic leaders, and individuals with knowledge and experience in the fields of out-of-school time; provided further, that the Senate President and Speaker of the House shall appoint the co-chairs of the working group; provided further, that the chairs of the working group may expend funds from this item for services the chairs find necessary to conduct the study and to support the timely completion of its report provided further that the working group shall consider settings including, but not limited to, public and private out-of-school time programs located in schools and in community based organizations and programs in non-public schools; provided further, that in carrying out its study, the working group shall advise the General Court, the Department of Early Education and Care, the Department of Education and other administrative agencies who work with school age children to ensure that there is a continuity of services for children as they grow and develop and to avoid duplication of effort as these agencies continue to make administrative and programmatic improvements; provided further, that in carrying out its study, the working group shall evaluate different age populations served by before school, after school and out-of-school time programs and identify ways to best support their needs; provided further, that the working group shall review existing data on the effectiveness of out-of-school time programming in the commonwealth; provided further, that in carrying out its study, the working group shall hold no fewer than nine hearings in, at minimum, the following regions of the commonwealth: Western Massachusetts, Central Massachusetts, Metrowest, Southeastern Massachusetts, the Cape and Islands, the Merrimac Valley, the North Shore, the South Shore, and Greater Boston; provided further, that the working group shall solicit testimony from interested stakeholders including, but not limited to, the following: staff of after school and out-of-school time programs; parents of school-age children; advocates for school-age children's services; business, community and religious leaders; representatives of higher education; law enforcement officials; philanthropic leaders, and individuals with knowledge and experience in the field of out-of-school time; provided further, that the commission shall make recommendations to: (1) coordinate, integrate, and streamline publicly funded out-of-school time administration and functions; (2) coordinate resources and policies regarding public funding streams for school age children; (3) strengthen consumer education; (4) create an effective data collection system to support the necessary functions of a consolidated system; (4) establish the appropriate balance between funding for direct provision of service, for quality enhancement, and for administration; and (5) ensure the creation of a workforce system to support education, training and compensation of the out-of-school time workforce; provided further, that the working group shall submit a report containing its recommendations to the

Governor, the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on education and the joint committee on children and families not later than December 15, 2005; provided further, that the joint committee on education and the joint committee on children and families shall review the recommendations of the working group on after school and out-of-school time; and provided further, that the committees shall make recommendations not later than February 1, 2006 to the General Court, along with any legislative or budgetary recommendations necessary to best support accessible, affordable, quality out-of-school time programming for school age children

100,000”;

By inserting after section 5 the following section:

“SECTION 5A. Section 13 of Chapter 58 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the words ‘and certain properties in the town of Stoneham’ and inserting in place thereof the words ‘Middlesex Fells Reservation’.”

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mrs. Haddad of Somerset; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 50 in Supplement.]

Therefore the amendments were adopted.

At ten minutes before six o’clock P.M. (Thursday, April 28), on motion of Mrs. Owens-Hicks of Boston (Mrs. Harkins of Needham being in the Chair), the House recessed until a quarter after seven o’clock; and at twenty-nine minutes after seven o’clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House thereupon took a further recess, on motion of Mr. Jones of North Reading, until eight o’clock P.M.; and at one minute before nine o’clock the House was called to order with the Speaker in the Chair.

Representatives Perry of Sandwich and Parente of Milford then moved that the bill be amended by striking out section 5; and the amendment was adopted.

Mrs. Parente moved that this vote be reconsidered; and the motion to reconsider was negatived.

Recess.

At two minutes after nine o’clock P.M. (Thursday, April 28), there being no objection, on motion of Mr. Petrolati of Ludlow (the Speaker being in the Chair), the House recessed until the hour of eleven o’clock A.M. on Friday, April 29; Friday, April 29, 2005 (at 11:00 o’clock A.M.).